

**BROKEN ARROW CITY COUNCIL
ANNOTATED AGENDA
April 7, 2003**

1. **Call to Order**

MAYOR REYNOLDS

2. **Roll Call**

ALL PRESENT

3. **Pledge of Allegiance to the Flag**

3 MEMBERS OF BOY SCOUT TROOP 159 LED

4. **Approval of regular meeting minutes of March 17, 2003**

APPROVED 4 – 0 – 1 (McCaleb abstain)

5. **Public Hearings, Appeals, Presentations, Recognitions, and Awards**

- A. **Presentation of** Oklahoma Municipal League Service Awards to employees who have provided twenty-five years of service to municipal government

Certificates and pins were presented by the Mayor and City Manager to Dale Brooks, Sandi Magby, David Myers, John Myers and Roland Nipps

- B. **Presentation of** City of Broken Arrow Employee of the Quarter Award to Nathan Underwood

Mayor and City Manager presented a certificate and day off with pay to Nathan Underwood

- C. **Presentation of** and authorization for the Mayor to execute a proclamation declaring the week of April 7-13, 2003: Northeastern State University NCAA Division II Basketball National Champions Week

APPROVED 5 – 0

Proclamation was read by Mayor Reynolds and presented to Dr. Ed Huckleby

- D. **Presentation of** award to Mayor James Reynolds by the Oklahoma Conference of Mayors

Mayor Johnson of Vinita presented Mayor Reynolds with a plaque

- E. **Presentation and** acceptance of report by the Broken Arrow Youth City Council, possible action on recommendations submitted, and presentation of Certificates of Recognition

Certificates and tape recordings of the Mock City Council meeting were presented to Lindsay Wampler, Shea Tuller, Lauren Singrey, Lauren Schafer, Robert

Gaghins, Christy Miller, Corey Woodward, April Dunnam, Keri Parish and Melissa Morie

Council voted 5 – 0 to implement a job website for Broken Arrow youth and a Youth Festival

F. **Presentation** of award to Mayor James Reynolds by the Homebuilders Association of Greater Tulsa

Bill Cassidy, President, Homebuilders Association of Greater Tulsa, presented a plaque of appreciation to Mayor Reynolds for his 28 years of service

G. **Public Hearing** to abate general public nuisances

APPROVED 5 – 0

6. **Citizen's Opportunity to Address the Council**

Mr. J.D. Lyon recognized the Mayor for his devoted service and interest in the City and further stated he believes there has been a misrepresentation of staff and the City is losing vital persons in the Mayor and Vice-Mayor.

7. **Development Issues**

A. Consideration of BAZ 1594, Vancouver Street and Aspen Avenue (145th East Avenue), 1.9 acres, C-5 to I-1, Lot 2, Block 3 Dobbs Park Addition

APPROVED PER STAFF RECOMMENDATION 5 – 0

B. Consideration of PUD 135A (amendment), south of Washington Street (91st Street) along both sides of 9th Street (Lynn lane/177th East Avenue), 200 acres, A-1 and R-2 to R-2 (BAZ 1580) and PUD 135A)

APPROVED PER STAFF RECOMMENDATION 5 – 0

C. Consideration of Conditional Final Plat (PT03-101, DN03-104) Aspen Park Baptist Church, A-1 and R-2, to R-2/SP 154A, 5.55 acres, 1 lot, one-quarter mile north of Florence Street (111th) on the west side of Aspen Avenue (145th East Avenue)

APPROVED PER STAFF RECOMMENDATION 5 – 0

8. **General Council Business**

A. Consideration of and authorization for the Mayor to execute a Promotional License Agreement between the City of Broken Arrow and the Broken Arrow Chamber of Commerce for the 2003 Rooster Days Festival

APPROVED 5 – 0

- B. Consideration of request to increase waste disposal (tipping) fee at the City owned/BFI operated landfill

APPROVED 5 – 0

- C. Consideration of nominations to fill two vacancies on the Broken Arrow Board of Adjustment created by the expiring terms of John Taylor and Jack Keeling, whose terms expire April 30, 2003, and acceptance of letter of resignation from John Taylor

John Taylor resignation

ACCEPTED 5 – 0

Jack Keeling and Renee Maxwell Ray nominated for terms on the Board of Adjustment

APPROVED 4 – 1 (Thurmond nay)

- D. Consideration of nominations to fill three vacancies on the Broken Arrow Planning Commission created by the expiring terms of Robert Goranson, Renate Caldwell, and Kalpesh Desai, whose terms expire April 30, 2003

Robert Goranson, Renate Caldwell and Kalpesh Desai nominated for terms on the Planning Commission

APPROVED 4 – 1 (Thurmond nay)

9. **City Manager's Report**

NOTHING SUBMITTED

10. **Preview Ordinances**

- A. An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, Article VIII, by creating Section 21, et seq., by adopting new lighting standards for private projects in Broken Arrow, and amending Article II by adding definitions relevant to the lighting standards, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- B. An ordinance amending the Broken Arrow Code by amending Article VI § 1.1, § 2.2, § 3.2, § 7.2, § 8.2, and § 9.1; creating Article VIII § 3.4; creating Article IX § 1.10(d); and amending Article X § 4(e) and § 5(b); by accommodating various religious institutions as to height requirements on steeples, bell towers, minarets, spires and related facilities contained in the City Ordinances, all as an accommodation to RILUPA; repealing all ordinances to the contrary; and declaring an emergency.
- C. An ordinance amending the Broken Arrow Code Chapter 25, Sections 25-3 by adding a definition for “substantial damage”, and 25-304(a)(1) by adding three additional flood studies establishing a system of stormwater management, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency.

- D. An ordinance closing the entire Plat Number 3502, Lynn Lane Industrial Park an Addition to the City of Broken Arrow, in the SW/4 of the NW/4, Section 13, T-18-N, R-14-E, Tulsa County, State of Oklahoma, as shown on the original recorded Plat of Lynn Lane Industrial Park, in order to close and vacate the streets and easements that were not closed and vacated prior to the filing of the Amended Plat of Lynn Lane Industrial Park, Plat Number 5005, and providing for reservation of rights within the closed Plat, and declaring an emergency.

APPROVED FOR PLACEMENT ON THE APRIL 21, 2003 AGENDA FOR POSSIBLE ADOPTION 5 – 0

11. Ordinances

- A. Ordinance No. 2526 - An ordinance amending the Broken Arrow Code Section 2-5 by changing the line of succession; amending Sections 2-55, 2-56, 2-58, and 14-16 by eliminating the Department of Administrative Services and creating the Office of the City Clerk and its associated duties, repealing 2-57; amending 2-60 to create the Personnel Department; amending 2-62 to transfer the Risk Management Division to report through the Assistant to the City Manager; repealing all ordinances to the contrary; and declaring an emergency.
- B. Ordinance No. 2527 - An ordinance amending the Employee Retirement System, Defined Benefit Plan for Retirees Only for the City of Broken Arrow, Oklahoma, providing for effective date, limitations on benefits, increase in compensation limits, rollover of plan distributions and adoption of new mortality tables; providing for repealer and severability; repealing all ordinances to the contrary; and declaring an emergency.
- C. Ordinance No. 2528 - An ordinance amending the Employee Retirement System, Defined Contribution Plan of the City of Broken Arrow, Oklahoma, providing for effective date, limitations on benefits, increase in compensation limits, rollover of plan distributions and adoption of new mortality tables; providing for repealer and severability; repealing all ordinances to the contrary; and declaring an emergency.
- D. Ordinance No. 2529 - An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1552, granting an R-2 zoning classification be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- E. Ordinance No. 2530 - An ordinance amending the Broken Arrow Code Chapter 25, Sections 25-3 by adding a definition for “substantial damage”, and 25-304(a)(1) by adding three additional flood studies establishing a system of stormwater management, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency.

APPROVED 5 – 0

EMERGENCY CLAUSES APPROVED 5 – 0

12. **Consideration of Consent Agenda**

- A. Approval of payroll for April 11, 2003
- B. Approval, ratification, and authorization for the Mayor to execute a proclamation declaring March 18, 2003: “Carolyn Kusler Day” in the City of Broken Arrow
- C. Approval, ratification, and authorization for the Mayor to execute a proclamation declaring the week of March 31, 2003: “Thomas Alan Blair Week “ in the City of Broken Arrow
- D. Approval of request from B. C. Fireworks, for a waiver to continue retail sale of Class “C” fireworks within the City limits, on the northeast corner of 51st at 193rd East Avenue for the period June 15, 2003 through July 6, 2003, which term constitutes the final year at this location
- E. Approval of request from the Broken Arrow Patriotism Committee for use of a public address system and the closing of Main Street on Saturday, June 14, 2003, beginning at 9:30 a.m. until approximately 11:30 a.m., for a “Flag Day Parade”
- F. Approval of request from Oklahoma Late Great Chevy Association for use of a public address system in Central Park for the “Carousel of Cars Show” to be held on Saturday, June 7, 2003, between the hours of 4 p.m. to 9 p.m. and for waiver of any applicable inspection and permit fees for tents and electrical hookups
- G. Approval of and authorization for the Mayor to execute a Parks and Recreation User Agreement between the City and the Broken Arrow Youth Baseball Association, Inc. from the date of execution through August 31, 2003
- H. Approval of and authorization for the Mayor to execute three documents, each entitled “Release of a Portion of Sewer Line Easement” on property owned by Roland Investments located in the Linear Park area between Village Park Addition and Vandever Trails Addition (Section 15, Township 18 North, Range 14 East), Tulsa County
- I. Approval of and authorization for the Mayor to execute a Parks and Recreation User Agreement between the City and the El Quetzal Soccer League from the date of execution through August 31, 2003
- J. Approval of Oklahoma DEQ permit for construction of water line and appurtenances for the St. Anne’s Extended All Saints Catholic School
- K. Approval of Claims List

APPROVED 5 – 0

13. **Consideration of Items Removed from Consent Agenda**

NONE

14. **Remarks and Inquiries by Governing Body Members**

Vice-Mayor Petrik stated the City staff has been very professional to work with and he will miss working with each of them as this is his last meeting. He named many individuals who have contributed to his enjoyment in serving the City. He also thanked the Planning Department specifically, who he said has brought the aesthetics of the City to the forefront and expressed his hope that the department stays intact.

Councilman Carter stated he has been on the Council for 10 years and has had many good times with the Mayor and Vice-Mayor and he will miss them. He thanked them both personally for their combined 44 years of service to this community.

Michael Vanderburg stated he received a lawsuit today that Horseshoe Acres has filed that may require discussion in Executive Session.

15. **Executive Session** for the purpose of confidential communications between the City Council and its attorney concerning a report and possible settlement in the claim of Schulte v. City of BA and Paula Preaus v. BA and BA v. Jensen and Hash v. BA, all under 25 O.S. § 307B4; and for the purpose of confidential communications to discuss the purchase or appraisal of approximately 80 acres of real property in Wagoner County, under 25 O.S. ¶ 307B3. The City Attorney advises that in his opinion, disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, or proceeding in the public interest; ultimately, this determination must be made by the Council. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Schulte v. City of BA – settle as discussed 5 – 0

Paula Preaus v. BA – accept offer as discussed 5 – 0

Hash v. BA – drop requirement for PET scan 5 – 0

Wagoner County Land – authorize staff to pursue possible purchase of land 5 – 0

16. **Adjournment**

APPROVED 5 – 0

BROKEN ARROW MUNICIPAL AUTHORITY
ANNOTATED AGENDA
April 7, 2003

1. Call to Order

CHAIRMAN REYNOLDS

2. Roll Call

ALL PRESENT

3. Approval of minutes of regular meeting of March 17, 2003

APPROVED 4 – 0 – 1 (McCaleb abstain)

4. Approval of payroll for April 11, 2003

APPROVED 5 – 0

5. Consideration of bids received and awarding of the most advantageous bid for the purchase of motor starters for Pump Nos. 1, 2, and 3 at the City's Water Treatment Plant

**APPROVED PURCHASE FROM WESCO DISTRIBUTION AT A TOTAL COST
NOT TO EXCEED \$46,722.00 5 – 0**

6. Approval of Claims

APPROVED 5 – 0

7. Remarks and Inquiries by Governing Body Members

NONE

8. Adjournment

APPROVED 5 – 0